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MARTIN & FERRARO, LLP  
1557 LAKE O' PINES STREET, NE  
HARTVILLE OH 44632

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**OFFICE OF PETITIONS**

In re Application of :  
Gary Karlin Michelson :  
Application No. 09/412,082 : **ON PETITION**  
Filed: 4 October, 1999 :  
Atty Docket No. 008810-20021 :

This is a decision on the petition filed under 37 CFR 1.181(a) paper filed on 11 April, 2005, requesting withdrawal of the holding of abandonment in the above-identified application.

This application became abandoned on 11 July, 2001, for failure to file a proper and timely reply to the final Office action mailed on 10 April, 2001. Notice of Abandonment was mailed on 5 April, 2005.

Petitioner asserts that a timely reply was filed on 2 July, 2001. While a review of the official record reveals that an amendment after final rejection was in fact received on 2 July, 2001, the Notice of Abandonment mailed on 5 April, 2001, states that the proposed reply was received on 2 July, 2001, but does not constitute a proper reply under 37 CFR 1.113(a).

While the delay in responding to the present petition is regretted, petitioner is reminded that a proper reply to a final rejection consists only of a timely filed amendment which places the application in condition for allowance; a timely filed Notice of Appeal and appeal fee; or a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

As such the application is properly held abandoned.

The petition is **DISMISSED**.

The petitioner may want to consider filing a petition to revive under 37 C.F.R. 1.137(b).

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision.

Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions